



State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127
www.dep.state.ct.us

Intervening in the Hearing Process for Environmental Permits

Individuals, groups of individuals, or organizations that are interested in permits being considered by the Department of Environmental Protection (DEP) may participate in the process. This participation may include speaking at public hearings or submitting written comments on prospective permits. In addition, any interested individuals or organizations may participate as an **intervening party** or as an **intervenor**.

Intervening Party Status: This is granted if a person or organization files a written request demonstrating that their legal rights, duties or privileges will, or may be, affected by the permit. This status is also granted by statutes when the appropriate conditions are met.

Intervenor Status: This status is granted if a person or organization files a written request demonstrating that their participation is in the interests of justice, and will not impair the orderly conduct of the hearings. The hearing officer may limit participation to certain issues and to certain aspects of the hearing process.

How Do I Intervene?

Requests or petitions to intervene **must be in writing, timely, and signed by the person(s) or authorized representative(s) of an organization seeking to intervene**. Copies of the requests must also be sent to all known parties, including the DEP. See *DEP Rules of Practice*, Regulations of Connecticut State Agencies (RCSA) §§22a-3a-2 to 22a-3a-6.

Writing: Requests to intervene are usually written as a legal motion, however, a letter may be sufficient.

Timely: Generally, a request should be filed at least 5 days before a hearing begins. A request made during a hearing may be denied as untimely, or, if granted, the participation of the intervenor may be limited.

Signed: Requests must be signed by the person(s) requesting intervention or by his/her attorney on their behalf. A signature represents that the intervenor has read the petition, that statements made in that petition are true, and that the request for intervention is genuine. A person signing for an organization must submit proof that he/she is authorized to do so.

Certification: The intervention request must include a statement that copies of the request were mailed or delivered to all parties, including DEP staff, and any other present or prospective intervenors.

On What Basis is Intervention Granted?

In all cases, a written request for intervention must meet the format and procedural requirements of the DEP *Rules of Practice*. In addition, a request must meet statutory or regulatory requirements such as the following:

- A written request for intervention states facts demonstrating that the petitioner's legal rights, duties or privileges shall be specifically affected by the agency's decision in the contested case. Connecticut General Statutes (CGS) §4-177a (2).
- The request claims that the proceeding involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. CGS §22a-19(a).
- The request states facts demonstrating that legal rights, duties or privileges will or may reasonably be expected to be affected by the decision in the proceeding, or that participation is necessary for the proper disposition of the proceeding. RCSA §22a-3a-6(k).

To What Am I Entitled When I Intervene?

You will receive copies of all motions and correspondence, and notice of all public meetings, conferences and hearing dates. You may participate in the hearing by presenting evidence, and questioning witnesses or being questioned by other parties. The hearing officer may limit the participation of intervenors.

Do I Have To Intervene to Participate?

No, individuals can participate in a hearing process by speaking at public hearings and/or submitting written comments.

Where Do I File My Request to Intervene?

Connecticut Dept. of Environmental Protection
Office of Adjudications
79 Elm Street, 3rd floor
Hartford, CT 06106.

Requests must be mailed or personally delivered; faxes or e-mail will not be accepted.

Notice: This document is intended to provide basic information to the public; it is not intended to be legal advice and should not be considered as such. The Office of Adjudications cannot provide any advice regarding participation in the hearing process or discuss specific cases. Interested persons should seek legal assistance from an attorney. General information on the permit application process is available from the DEP Permit Assistance Office. Specific information on a permit application is available from the DEP Bureaus of Air, Waste or Water, as appropriate in a particular matter.



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